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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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WESTERN WATERSHEDS PROJECT,

Plaintiff,

v.

INTERIOR BOARD OF LAND APPEALS,  
et al.,

Defendants.

Case No. 1:19-cv-00095-DBP

**AGENCY STATEMENT DENYING  
ARBITRARY AND CAPRICIOUS  
ACTION**

Magistrate Judge Dustin B. Pead

Pursuant to DUCivR 7-4(a)(2)(B), Defendants U.S. Department of the Interior and the Interior Board of Land Appeals submit this response to Plaintiffs' Complaint, ECF No. 1. Plaintiff filed this action on January 29, 2019 under the Administrative Procedure Act, 5 U.S.C. § 706, alleging that the Bureau of Land Management's decision to renew grazing permits on the Duck Creek Allotment and the Interior Board of Land Appeals' affirmance of that decision are arbitrary and capricious, an abuse of discretion, unsupported by substantial evidence, and not otherwise in accordance with the law. ECF No. 1. Defendants deny that the Bureau of Land

Management's decision and the Interior Board of Land Appeals' affirmance of that decision are arbitrary and capricious, an abuse of discretion, unsupported by substantial evidence, or not otherwise in accordance with the law. Defendants also deny that Plaintiff has stated a claim upon which relief can be granted and deny that it is entitled to any relief whatsoever.

DATED this 30th day of August 2019.

LAWRENCE VANDYKE  
Deputy Assistant Attorney General

s/ Rebecca Jaffe  
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**CERTIFICATE OF SERVICE**

I certify that on August 30, 2019, I electronically filed the foregoing Agency Statement Denying Arbitrary and Capricious Action with the clerk of the court through the CM/ECF system, which will send notice of the filing to counsel of record in the above-styled case.

s/ Rebecca Jaffe  
Rebecca Jaffe